

PTO/SB/01 (08-03)

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing OR <input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge) (37 CFR 1.16 (e) required)	Attorney Docket Number	PU4927USw	
	First Named Inventor	Michael L. KING	
	<i>COMPLETE IF KNOWN</i>		
	Application Number		
	Filing Date		
	Art Unit		
	Examiner Name		

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DRUG DELIVERY SYSTEM WITH VENTED MOUTHPIECE

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (**04 December 2003**) as United States Application Number or PCT International Application Number **PCT/US2003/038483** and was amended on (MM/DD/YYYY) *(if applicable)*.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02/B attached hereto:

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

Application Number	To be assigned
Filing Date	
First Named Inventor	Michael L. KING
Title	DRUG DELIVERY SYSTEM WITH VENTED MOUTHPIECE
Art Unit	
Examiner Name	
Attorney Docket Number	PU4927USw

I hereby appoint:



Practitioners associated
with the Customer
Number:

23347

OR



Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:



The address associated with the above-mentioned Customer Number:

OR



The address associated with Customer Number:

23347

OR

<input type="checkbox"/>	Firm or Individual Name			
	Address			
	City		State	
	Country			
	Telephone		Fax	

I am the:




Applicant/Inventor.



Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	05/31 2005
Name	Charles E. DADSWELL	Telephone	919-483-6983
Title and Company	GLAXO GROUP LIMITED		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.



*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION – Utility or Design Patent ApplicationDirect all correspondence to: ☒ Customer Number **23347** OR ☐ Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle [if any])Family Name
Or SurnameMichael L.KINGInventor's
Signature

Date

23 May 2005

Residence: City

State

Country

Citizenship

DurhamNCNCUSUS

Mailing Address

3229 Lochinvar Drive

City

State

ZIP

Country

DurhamNC27705US**NAME OF SECOND INVENTOR:**☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle [if any])Family Name
Or SurnameInventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02S or 02LR attached hereto

PU4927USW

CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Applicant: GLAXO GROUP LIMITED
 Patent No.: _____ Granted: _____
 PCT application: PCT/US2003/038483 filed 04 December 2003

For: "Drug Delivery System with Vented Mouthpiece"

GLAXO GROUP LIMITED **Corporation**
 (Name of Assignee) (Type of Assignee, e.g. corporation, partnership, university, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded on _____ in the Patent and Trademark Office at Reel/Frame _____, and _____, or for which a copy thereof is attached.

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or which a copy thereof is attached.


☐ Additional documents in the chain of title are listed here:

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is given below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 05/31/2005
 Correspondence Address:
 GlaxoSmithKline
 Corporate Intellectual Property
 Five Moore Drive, P.O. Box 13398
 Research Triangle Park, NC 27709
 Telephone No.: (919) 483-2370
 Facsimile No.: (919) 483-7988
 Customer Number: 23347

GLAXO GROUP LIMITED
 Signature: 
 By: **Charles E. DADSWELL**
 Title: **Attorney**
(resolution is attached)

John Venn & Sons

Scrivener Notaries
Translators

William B Kennair LL.B. • Jessica M Reeve M.A. • Jonathan P Coutts M.A., M.L.
Associate: Agnes Corless
Consultant: Bridget M Ellison B.A.

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Telephone: 020 7395 4300
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e-mail: notary@johnvenn.co.uk
http://www.johnvenn.co.uk

I, JESSICA MARGARET REEVE, a duly admitted Notary Public, having jurisdiction throughout England and Wales and practising in London, England, hereby certify:

1. THAT the annexed Power of Attorney was sealed with the Common Seal of **GLAXO GROUP LIMITED**;

2. THAT the affixing of the said Seal was witnessed by LORRAINE ANNE DAY, one of the Directors of EDINBURGH PHARMACEUTICAL INDUSTRIES LIMITED, Corporate Director of GLAXO GROUP LIMITED and RICHARD JAMES STEPHENS, Assistant Secretary of the said GLAXO GROUP LIMITED;

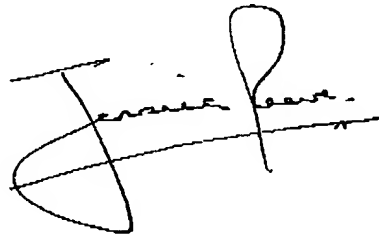
3. THAT the said GLAXO GROUP LIMITED is duly incorporated and existing under English Law, having its Registered Office at Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex, UB6 0NN, England;

4. THAT the said Seal was affixed in the manner prescribed by the current, duly adopted Articles of Association of the said Company;

5. THAT the said signatures were subscribed by authority of the Directors of the said Company;

6. AND THAT the said Power of Attorney, being so sealed and signed, is duly executed by and binding on the said Company.

IN WITNESS whereof I have issued this Certificate under my signature and Seal of Office at London, aforesaid, the fourth day of March Two thousand and five.



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Power of Attorney

BY THIS POWER OF ATTORNEY given this ~~20th~~ day of ~~FEBRUARY~~ two thousand and five **GLAXO GROUP LIMITED**, a company incorporated in England and Wales (Registration No. 305979) and having its registered office at Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex, UB6 0NN, England (hereinafter called "the Company"), **HEREBY** appoints all and any of its Directors, Secretary and Assistant Secretary for the time being, and **DAVID ROBERTS, PETER JOHN GIDDINGS, ARTHUR WILLIAM RUSSELL TYRRELL, MARCUS J. W. DALTON, PETER I. DOLTON, WENDY ANNE FILLER, MICHAEL JOHN STOTT, HUGH BAINFORDE DAWSON, HELEN QUILLIN, CHARLES KINZIG, STEPHEN VENETIANER, THEODORE R. FURMAN, MARY E. MCCARTHY, EDWARD R. GIMMI, CHARLES E. DADSWELL, ROBERT H. BRINK and FRANK P. GRASSLER** jointly and severally to be its true and lawful agents and attorneys (hereinafter called "the Attorneys") on behalf and in the name of the Company or otherwise to do, perform, exercise or execute or concur with any other person or persons in doing, performing or exercising in or for any country or countries or jurisdiction in any part of the world all or any of the following powers, acts, deeds and things in connection with: letters patent, including extensions thereto; utility models; copyrights; trademark registrations; trademarks; trade names; trade dress; logos; design rights; designs and all rights analogous thereto and all applications therefor and any other forms whatsoever of intellectual property rights; including know-how, all of which are hereinafter called "Intellectual Property Rights", that is to say:

1. In any country or countries or jurisdiction in any part of the world to make application or cause application to be made for the grant or issue or transfer to the Company or registration in its name of Intellectual Property Rights and to take all steps necessary for the same to be prosecuted, maintained, withdrawn, renewed, enforced, defended or extended.
2. As the act and deed of the Company to sign, seal, deliver and execute all or any assignments or assurances, licences to the Company of or under any Intellectual Property Rights or the right to and interest in any inventions to be the subject of Intellectual Property Rights for the purpose of fully and effectually vesting and transferring the same in and to the Company.
3. As the act and deed of the Company to sign and execute all or any assignments and acceptances of the transfer or assignment of such rights, and also any licences, sub-licences and consents from the Company of or under any Intellectual Property Rights or the right to and interest in any invention to be the subject of Intellectual Property Rights, for the purpose of fully and effectually vesting transferring or granting the same in and to any entity, whether in the United Kingdom or elsewhere, in so far as such documents can be executed without the Company's seal being affixed thereto. For purposes of this Power of Attorney, the terms "entity" means, and includes, any person, firm or company or group of persons or unincorporated body.
4. To give undertakings or assurances to third parties and to any Trademark Registry or official intellectual property agency or governmental department or otherwise responsible for the registration or protection of trademarks, trade names, trade dress, logos, design rights or designs for the purpose of best protecting or ensuring the co-existence of the Company's rights to trademarks, trade names, trade dress, logos, design rights or designs.
5. To commence, prosecute and defend any proceedings or applications whether judicial or extra judicial relating to Intellectual Property Rights and to maintain, withdraw or settle the same.
6. For and in connection with any Intellectual Property Rights to sign, seal, deliver and execute any Power of Attorney or other deed or document authorising any agent,

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including trademark and patent agents and attorneys, to act on behalf of the Company.

7. To apply for the registration, amendment or cancellation of user rights in respect of any trademark or trade name.
8. To act in regard to all official communications which may now or hereafter be addressed to the Attorneys relating to Intellectual Property Rights or the renewal thereof in such manner that the Attorneys may be recognised as the authorised agent(s) of the Company in all proceedings in relation thereto.
9. For all or any of the purposes contained herein as the act and deed of the Company to sign, seal, deliver, execute and do all such documents, deeds, agreements, instruments and to do such acts as shall be requisite or may be deemed proper for or in relation to the said purposes.

AND THE COMPANY HEREBY RATIFIES and confirms and agrees to ratify and confirm all and whatsoever the Attorneys or any person, persons, firm or company appointed by them shall lawfully do or have done by virtue of the authorities herein contained

AND THE COMPANY HEREBY DECLARES that all instruments executed under and by virtue of this Power shall be as valid and effectual as if sealed by the Common Seal of the Company.

IN WITNESS whereof **GLAXO GROUP LIMITED** has caused its Common Seal to be hereunto affixed the day and year first before written

The **COMMON SEAL** of
GLAXO GROUP LIMITED)
was hereto affixed in the presence of:)

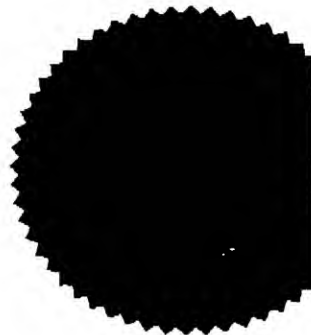
Director

For and on Behalf of
Edinburgh
Pharmaceutical
Industries
Limited

DIRECTOR



Secretary / Assistant Secretary



Assignment

WHEREAS, I/we, **Michael L. KING**, a citizen of the United States of America and residing in Durham, North Carolina, USA has/have invented or discovered certain improvements in **DRUG DELIVERY SYSTEM WITH VENTED MOUTHPIECE** hereinafter referred to as said invention and improvements for which a priority application 60/434,517 was filed on **18 December 2002** in the United States Patent and Trademark Office and for which an international patent application **PCT/US2003/038483** was filed **04 December 2003** designating the United States of America and naming assignor as inventor, and in the United States only applicant/inventor; who which a US national phase application is now being filed in the United States Patent and Trademark Office. I/We hereby authorize and request that the filing date and application number of said US national application, when known be inserted in parentheses below.

(_____ filed _____)

WHEREAS, **GLAXO GROUP LIMITED.**, a company incorporated in England, whose registered office is at Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex, UB6 0NN, England, is desirous of acquiring the whole right, title and interest in and to said invention and improvements, and in and to any applications for said invention and improvements and any Letters Patent to be obtained therefor, in all countries, including the United States, its territories and possessions;

NOW, THEREFORE, to all whom it may concern, be it known that I/we, **Michael L. KING** for good and valuable consideration unto me/us moving, the receipt whereof is hereby acknowledged, have sold, assigned and transferred, and by these presents do sell, assign and transfer my/our whole right, title and interest in and to said invention and improvements to said **GLAXO GROUP LIMITED**, throughout the United States of America, its territories and possessions, and in and to said application and any extensions, reissues, continuations, continuations-in-part, and any divisions thereof, and in and to any and all Letters Patent of the United States of America;

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AND, my/our whole right, title and interest in and to said invention and improvements to **GLAXO GROUP LIMITED**, in all other countries throughout the world, and in and to any applications in said other countries, and continuations-in-part, patents of addition, revalidation patents, patents of importation, registrations, and any renewals, extensions and divisions thereof, and in and to any and all Letters Patent of said all other countries which may be granted on said invention and improvements including any priority rights under the International Convention.

AND, I/we do hereby authorize and request the issue of any Letters Patent in the respective areas referred to, to said **GLAXO GROUP LIMITED**, as assignees of my/our whole right, title and interest in and to the same for the sole use and behoof of the said assignees, their successors and assigns as their interests appear herein;

AND, I/we warrant that I/we have not knowingly conveyed to others any right in said invention, improvements, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing said invention and improvements and that I/we have good right to assign the same to **GLAXO GROUP LIMITED**;

AND, I/we the undersigned **Michael L. KING** for the consideration aforesaid, do hereby agree that I/we or my/our executors or legal representatives, will provide information and make, execute and deliver any and all other instruments in writing, and any and all further acts, application papers, affidavits, assignments and other documents which may be necessary or desirable to more effectually secure to and vest in said **GLAXO GROUP LIMITED**, their successors and assigns, the whole right, title and interest in and to the said invention and improvements, applications, Letters Patent, rights, title and interest hereby sold, assigned and conveyed, or intended so to be. *This assignment should be deemed effective as of 18 December 2002.*

IN WITNESS WHEREOF, I/we have hereunto set my/our hand(s) and affixed my/our seal(s) on the date(s) indicated below.


Inventor: **Michael L. KING**

23 May 2005
Date

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